

Ontell & Associates

December 15, 2020

VIA PACER

Hon. Eric R. Komitee
United States District Court,
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Timsit v. Schwartz et al.
Case No. 20-cv-05446-EK-LB

Dear Hon. Komitee:

This firm is counsel to all Defendants, Ztvi Zev Schwartz (“Zev Schwartz”), 741 Hancock, LLC, 223 Howard, LLC, 37 Covert, LLC, BSD Quincy LLC, McKarkein Investment IDF LLC, McKarkein Capital LLC, and Berkshire Abstract & Title Agency, LLC. Pursuant to Your Honor’s Individual Practices and Rules I(C), we write to the Court to respectfully request a three-week adjournment of the hearing for the Order to Show Cause filed on November 18, 2020 (“Order to Show Cause”), which is currently scheduled for December 18, 2020, until January 8, 2020. This would affect the briefing schedule, under which Defendants must respond by Tuesday, December 15, 2020, which we propose should be adjourned until Tuesday, January 5, 2020. This firm has made one previous request for adjournment of this date, which was granted. Opposing counsel consents to this adjournment and joins us in this letter.

The reason for this request is that all parties are currently engaged in serious settlement discussions. In fact, the potential intervenors that wrote this Court regarding the previous adjournment are currently memorializing a settlement agreement with all parties to this case. We anticipate that the parties to this case will either memorialize a settlement agreement terminating this case within the three-week adjournment period, or entering into an agreement to escrow funds from the sale of the properties at issue in the interim. Defendants agree to maintain the status quo. If there is a sale concerning the Hancock property at issue, Defendants will escrow any proceeds with a New York attorney not a party to this case or disburse said funds pursuant to a pending settlement agreement.

For the reasons set forth herein, we respectfully request that this Court grant our request for an adjournment. We thank this Court for considering this matter.

Respectfully,

/s/ Robert J. Ontell

Robert J. Ontell

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